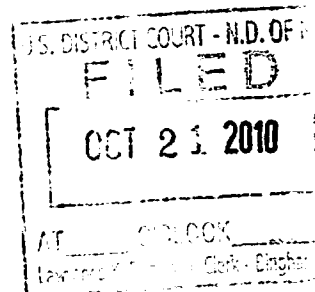


**\*\*ENDORSED ORDER**



Richard-Enrique; Ulloa, Sui Juris, unrepresented  
 RR1 peek farms  
 c/o postal department 771  
 Stone Ridge, New York republic  
 non-domestic, Without the U.S. [12484]

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,	)	CASE # 1:10-CR-0321 (TJM)
	)	
Plaintiff,	)	
	)	Written Objection(s) – Reply
v.	)	Motion to Strike
	)	-Judicial Notice -
	)	Offer of Proof with Verification
RICHARD ENRIQUE ULLOA,	)	
	)	
Defendant.	)	

**WRITTEN OBJECTION(S) MOTION TO STRIKE, JUDICIAL NOTICE,  
 OFFER OF PROOF WITH VERIFICATION**

**\* Motion is DENIED.**

Dated at Binghamton, NY

10-21-10

IT IS SO ORDERED

*Thomas J. McAvoy*  
 Thomas J. McAvoy  
 District Court Judge

1. Comes Now defendant, I, me, Richard-Enrique: Ulloa to make offer of proof - object and to move the Court and demand the Court strike the "Government's Response to Defendant's Motions Filed September 10, 2010" on the grounds it is impertinent,

1 false, and nonresponsive, and evasive. The Maxim of Law is "The faculty or right of  
2 offering proof is not to be narrowed."

- 3
- 4 2. Whereas,
- 5 3. The Prosecutor has obscured government's lack of response by answering multiple,  
6 and different, documents in the same response, which helps to obscure the fact that  
7 government is not answering critical issues brought out by defendant.
- 8 4. The government with intent is misconstruing the motion for a more definite statement  
9 into one that it says it does not have to answer in an evasive refusal to answer the  
10 question/request for a more definite statement. There is nothing that permits the  
11 government to in effect rewrite defendant's motions into whatever government wants  
12 it to be so government can answer the motion at the convenience of government. This  
13 type of activity borders on the absurd; and with actions like this occurring in our  
14 courts by a government prosecutor, as the Supreme Court has said:
- 15 a. "We may some day be presented with a situation in which the conduct of  
16 law enforcement agents is so outrageous that due process principles would  
17 absolutely bar the government from invoking judicial processes to obtain a  
18 conviction...." US V. RUSSELL, 411 US 423 (431-432), 38 LE2d2 366,  
19 93 SCt 1637 (1973)
- 20 5. The prosecutor is engaging in activities irrelevant and impertinent and actions on the  
21 part of the prosecutor in going on with a nonresponsive answer for pages addressing  
22 an issue surrounding "bill of particulars" and answering something never asked or  
23 requested and hoping no one would notice is outrageous behavior on the part of a  
24 prosecutor and such misconduct should be addressed with appropriate sanctions  
25 against it by the Court.
- 26 6. The need to do this, and answer a question never asked, and evade answering the  
27 motion for a more definite statement demonstrates the prosecutor's intent to conceal,  
28 suppress and keep evidence, exculpatory evidence, from defendant.

- a. A defendant's right to due process is violated when, upon a request for exculpatory evidence, the government conceals evidence that is both favorable to the defendant and material to the defendant's guilt or innocence and punishment. *HUGHES V. JOHNSON*, 191 F3d 607 (5th Cir. 1999).
- b. Prosecutor's suppression of evidence which would tend to exculpate defendant or reduce sentence violates due process. *US V. WILLIAMS*, 998 F2d 258 (5th Cir. 1993).

7. This activity is giving a false impression that the government is addressing the defendants issues, and is unbefitting to a government response. It is acting in bad faith and failing to disclose what is required to be disclosed in good faith. This action brings false representation to the government's answer and infects and taints the whole of this government answer.

- a. "Suppression of a material fact which a party is bound in good faith to disclose is equivalent to a false representation." *Leigh v. Loyd*, 224 P.2d 356, 74 Ariz. 84 (1952).
- b. "When one conveys a false impression by disclosure of some facts and the concealment of others, such concealment is in effect a false representation that what is disclosed is the whole truth." *State v. Coddington*, 662 P.2d 155, 135 Ariz. 480 (Ariz. App. 1983).

8. The Maxim of Law is,

- a. False in one (particular), false in all.
- b. Deliberate falsehood in one matter will be imputed to related matters.

9. Whereas further, in addressing with one mere document the points and objections defendant puts in several separate documents, that should be responded to with separate documents, point for point, the government fails to address many issues defendant introduces, and that demand an answer. Some notable examples are:

1 10. In addressing Point Nine of the "Notice of Unconstitutional Practices and  
2 Unconstitutional Conditions and Plain Errors and Brief Memorandum of Law -  
3 Written Objections and Demand for Relief - Offer of Proof for the Record" the  
4 government in its answer only addresses one element of the Point that the Indictment  
5 is Defective.

6 11. The government fails in whole to address the element of the government prosecuting  
7 the defendant for the claim and exercise of a constitutional recognized First  
8 Amendment right to free speech through postal matter; and if the defendant had no  
9 right to send then the government had no right to receive in silence, and government  
10 would be guilty of what defendant is accused of also, for the government not giving  
11 defendant any due process warning his intended actions are prohibited.

12 a. The First amendment trumps the democratic process and protects the  
13 individual's rights even when a majority of citizens want to infringe  
14 upon them (Republic process). SOUTHWORTH V. GREBE, 151 F3d  
15 717 (7th Cir. 1998).

16 12. Further, for Point Nine government fails to address the element that "Benefits Negate  
17 Injury," and the defendant was and intended to provide a benefit to the receivers of  
18 the postal matter which is evident from the face of the documents and the facts that  
19 benefits were being provided by intent defeats any claim of intent to injure or harm  
20 on the part of defendant which is an essential element of any claim of scheme in the  
21 charge of Mail Fraud.

22 13. Further, for Point One government alleges that the defendant states no facts; this is  
23 untrue and amount to the prosecutor parroting rope words meant for situations where  
24 there is substance behind the allegations, but here he is the one that offers no  
25 substance for his claims. The facts are clear, present and indisputable that the judge is  
26 acting as a judge in his own cause under the circumstances of this trial; the Maxim of  
27 law is "When the proofs of facts are present, what need is there of words."  
28

- 1 14. No matter how you sugar coat it, or dress it up, or disguise it the facts are the facts,  
2 the principles of law are the principles; the representative is in the place of the  
3 principal and represents the cause and interests of the principal and, therefore, the  
4 judge representing a principal of the action is a judge in his own cause.
- 5 15. There is not debating principles; the Maxim of law is, "Principles prove, they are not  
6 proved;" and "There is no reasoning of principles." The prosecutor knows it would be  
7 an absurd and useless discussion for the defendant to have to debate the principles of  
8 the principal/agent, principal/representative relationship, with him, the prosecutor,  
9 denying the principles, so he evades the principles; the Maxim of Law is, "There is no  
10 disputing against a man denying principles."
- 11 16. Further, the government, again in an evasive manner, dismissed Points Two and Five  
12 by the allegation that they are without merit because their basis is in Point One which  
13 point government alleges is without merit, in plain error. The prosecutor is evading  
14 addressing the apparent plain errors and unconstitutional practices Points Two and  
15 Five bring-forth which makes it clear that the prosecutor is without a challenge to  
16 these claims except by underhanded and elusive ways and means.
- 17 17. {I}f it please the Court, the Court will now turn its attention to the Judicial Notice  
18 portion of this document.  
19  
20

21 **Judicial Notice**  
22

- 23 18. The Court shall Take Notice of the truth of the following facts by and in definitions,  
24 and the like, that have a bearing on this controversy and from their nature are not  
25 properly the subject of testimony, but are universally regarded as established by  
26 common notoriety of the definitions and principles of law.  
27  
28

1 19. Whereas,

2 20. This is the Definition of "Agency":

3 21. Agency. A relationship between two persons, by agreement or otherwise, where on  
4 (the agent) may act on behalf of the other (the principal) and bind the principal by  
5 words and actions. Relation in which one person acts for or represents another by  
6 latter's authority, either in the relationship of principal and agent, master and servant,  
7 or employer or proprietor and independent contractor..." (Black's Law Dictionary  
8 West Publishing Company, 1990; 6th Edition, page 62).

9  
10 22. This is the Definition of "Agent":

11 23. "Agent. A person authorized by another (principal) to act for or in place of him; one  
12 instructed with another's business. *Humphries v. Going*, D.C.N.C., 59 F.R.D. 583,  
13 587. One who represents and acts for another under the contract or relation of  
14 agency (q.v.). A business representative, whose function is to bring about, modify,  
15 affect, accept performance of, or terminate contractual obligations between principal  
16 and third persons. One who undertakes to transact some business, or to manage some  
17 affair, for another, by the authority and on account of the latter, and to render an  
18 account of it. One who acts for or in place of another by authority from him; a  
19 substitute, a deputy, appointed by principal with power to do the things which  
20 principal may do. One who deals not only with things, as does a servant, but with  
21 persons, using his own discretion as to means, and frequently establishing contractual  
22 relations between his principal and third persons.

23 24. One authorized to transact all business of principal, or all of principal's business of  
24 some particular kind, or all business at some particular place. *Farm Bureau Mut. Ins.*  
25 *Co. v. Coffee*, 136 Ind. App. 12, 186 N.E.2d 180, 182." (Black's Law Dictionary  
26 West Publishing Company, 1990; 6th Edition, page 62).

27 25. This is the Definition of "Representative":  
28

1 26. "Representative. A person or thing that represents, or stands for, a number or class of  
2 persons or things, or that in some way corresponds to, stands for, replaces, or is  
3 equivalent to, another person or thing... "Representative" includes an agent, an  
4 officer of a corporation or association, and a trustee, executor or administrator of an  
5 estate, or any other person empowered to act for another. U.C.C Sec. 1-201(35)."  
6 (Black's Law Dictionary West Publishing Company, 1990; 6th Edition, page  
7 1302)

8 27.

9 28. This is the Definition of "Pecuniary Interest":

10 29. "Pecuniary Interest. A direct interest related to money in an action or case as would,  
11 for example, require a judge to disqualify himself from sitting on a case if he owned  
12 stock in a corporate party." (Black's Law Dictionary West Publishing Company,  
13 1990; 6th Edition, page 1131)

14 30. This is the Definition of "United States":

15 31. Title 28, § 3002. Definitions:

16 32. (15) "United States" means—

17 (A) a Federal corporation;

18 (B) an agency, department, commission, board, or other entity of the  
19 United States; or

20 (C) an instrumentality of the United States.

21 33. And Whereas,

22 34. Per the U.S. Government Printing Office Style Manual (2008), 30th Edition - Chapter  
23 9 - Abbreviations and Letter Symbols - Acronyms and coined words, (the following  
24 quoted text) all capital letter words/names and/or other abbreviation forms of names  
25 are coined words under copyright or created by operation of law as an agency of  
26 government. Also, see, "Agency by operation of law," Black's Law Dictionary - West  
27 Publishing Company, 1990; 6th Edition, page 63.  
28

a) U.S. Government Printing Office Style Manual (2008), 30th Edition:

b) Chapter 9: Abbreviations and Letter Symbols:

c) Acronyms and coined words

e) 9.48. To obtain uniform treatment in the formation of acronyms and coined words, apply the formulas that follow:

f) Use all capital letters when only the first letter of each word or selected words is used to make up the symbol:

APPR (Army package power reactor)

EPCOT (Experimental Prototype Community of Tomorrow)

MAG (Military Advisory Group)

MIRV (multiple independently targetable reentry vehicle)

SALT (strategic arms limitation talks); (avoid SALT talks)

STEP (supplemental training and employment program)

g) Use all capital letters where first letters of prefixes and/or suffixes are utilized as part of established expressions:

CPR (cardiopulmonary resuscitation)

ESP (extrasensory perception)

FLIR (forward-looking infrared)

h) Copy must be followed where an acronym or abbreviated form is copyrighted or established by law:

ACTION (agency of Government; not an acronym)

MarAd (Maritime Administration)

NACo (National Association of Counties)

MEDLARS (Medical Literature Analysis and Retrieval System)

35. And Whereas,

36. The Judge in this matter works for the "United States" and gets paid money by the United States by virtue of his title, "Thomas J. McAvoy, Senior U.S. (United States) District Judge" as evidenced by and on the judge's "Decision and Order" denying defendant's motion to quash, et al.

37. Therefore,

38. The United States of America in all caps "UNITED STATES OF AMERICA" are coined words for an "agency of government; not an acronym," by copyright or



1 established by operation of law, per the U.S. Government Printing Office Style  
2 Manual (2008), 30th Edition - Chapter 9. And as a result, by definition of "United  
3 States," it ("UNITED STATES OF AMERICA") is "an agency ... or other entity of  
4 the United States" and, hence, it is "equivalent to" the principal in this matter,  
5 "United States," whom the judge is an "Agent" and "Representative" of, and works  
6 for, and is paid money by, and is acting on behalf of, giving the judge a "Pecuniary  
7 Interest" in this matter in favor of his principal the United States, also known as.  
8 "UNITED STATES OF AMERICA."

9  
10 Demand for Relief Sought

11  
12 Therefore, I move the court by demand to strike the "Government's Response to  
13 Defendant's Motions Filed September 10, 2010." on the grounds it is impertinent, false,  
14 nonresponsive, and evasive, and I move the Court for appropriate sanctions against  
15 prosecutor for such activity, and moves the court to dismiss this matter per previous  
16 requests and demand by defendant, and for such and other relief the court may deem just  
17 and proper.  
18  
19  
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24  
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26  
27  
28

Verification:

The Undersigning, I, me, Richard-Enrique: Ulloa, sui juris, holder in due course of Original Jurisdiction do herewith affirm, state and say: that I, issue this "Written Objection(s) - Motion to Strike - Judicial Notice - Offer of Proof With Verification" with sincere intent in truth, that I am competent to state the matters set forth herein, that the contents are true, correct, complete, and certain, admissible as evidence, and reasonable and just to the best of my knowledge, information, and belief.

Notice to the agent is notice to the principal applies to this notice.

Notice to the principal is notice to the agent applies to this notice.

In the Year of Our Lord, Dated: this 14 day of October, 2010

  
Without Prejudice  
Sign Manual

Richard-Enrique: Ulloa, sui juris

Notary Public

State of: New York

County of: Ulster

This instrument; "Written Objection(s) - Motion to Strike - Judicial Notice - Offer of Proof With Verification" by Richard-Enrique: Ulloa, sui juris was acknowledged before me a Notary Public in and for the State of New York on this 14 day of the October month in the year of our Lord Two thousand and ten A.D.

Diana S. Cline

Name

Diana S. Cline

Signature

Seal: DIANA S. CLINE  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01CL6015194  
QUALIFIED IN ULSTER COUNTY  
COMMISSION EXPIRES 10/28/2014

My commission expires: 10/26/2014

1 Copies attached to Case No.: 10-CR-0321 and served on all parties named in attached  
2 Certificate of service.

3  
4 I am not an expert in the law however I do know right from wrong. If there is any  
5 human being damaged by any statements herein, if he will inform me by facts I will  
6 sincerely make every effort to amend my ways. I hereby and herein reserve the right to  
7 amend and make amendment to this document as necessary in order that the truth may be  
8 ascertained and proceedings justly determined. If the parties given notice by means of  
9 this document have information that would controvert and overcome this Affidavit,  
10 please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt  
11 hereof providing me with your counteraffidavit, proving with particularly by stating all  
12 requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate  
13 facts or conclusions of law, that this Affidavit Statement is substantially and materially  
14 false sufficiently to change materially my status and factual declarations. Your silence  
15 stands as consent to, and tacit approval of, the factual declarations herein being  
16 established as fact as a matter of law. May the will of our Heavenly Father Yahvah,  
17 through the power and authority of the blood of His Son Yahshua be done on Earth as it  
18 is in Heaven.

19  
20 I pray to our Heavenly Father and not this court that justice be done.

21  
22 **Reserving ALL Natural God-Given Unalienable Birthrights,**  
23 **Waiving None, Ever,**  
24  
25  
26  
27  
28

**28 USC §1746**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 28 USC §1746

Signed on this the thirtieth day of the ninth month in the year of our Lord and Savior two thousand ten.

A handwritten signature in black ink, appearing to read 'Richard-Enrique Ulloa', written over a horizontal line.

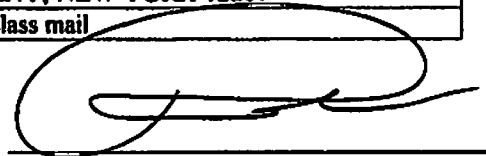
Richard-Enrique; Ulloa  
Sui Juris

Date: October 14, 2010

**Proof and Evidence of Service**

*I, Richard-Enrique; Ulloa; declare that I served by filing one copy of the "DEMAND FOR PRODUCTION OF DOCUMENTS" by "hand-delivered by private carrier-service on "USDC of Northern NY" sent by post-office-first class-mail AND OR CERTIFIED MAIL to the following:*

THOMAS A. CAPEZZA	USDC OF NORTHERN NY
Assistant U.S. Attorney Bar #503159	COURT CLERK
445 Broadway, Room 509	445 Broadway, Room 509
ALBANY, NEW YORK 12207	ALBANY, NEW YORK 12207
First class mail	First class mail



Richard-Enrique; Ulloa

October 14, 2010

**NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL NOTICE TO  
THE PRINCIPAL IS NOTICE TO THE AGENT**